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The Hamilton Public Library Board

RULES

(By-Laws and Regulations)



As Amended To June 12, 1986

TABLE OF CONTENTS

PAGE

PREAMBLE

PART I BY-LAWS

Original By-Laws Adopted February 25, 1889

Revised:

1897

1913 *

193- **

1951

1955

1975

1977

1979

1982

1984

1986

* (Dr. Waldon, Chief Librarian, has dated this revision "1913?" It was a major revision.

** By-Laws of the Hamilton Public Library Board - Typescript -Notation in Dr. Waldon's writing: "Adopted 193-?"

RULES

TABLE OF CONTENTS

	PAGE
PREAMBLE	1.
<u>PART I: BY-LAWS</u>	
By-Law I	Membership, Seal, Quorum 1.
By-Law II	Regular Meetings 2.
By-Law III	Inaugural Meeting 2.
By-Law IV	Special Meeting 3.
By-Law V	Standing Committees 4. - Administration and Finance - Planning, Personnel and Public Relations
By-Law VI	Special Committees 5. - Nominating Committee - Executive Committee - Rules Committee - Donations Committee 6.
By-Law VII	The Chairman of the Board 7.
By-Law VIII	Chief Executive Officer/Secretary 7.
By-Law IX	Treasurer 8.
By-Law X	Interpretation & Amendment 9.
<u>PART II: REGULATIONS</u>	
Regulation I	Access to Meetings 9.
Regulation II	Access to Information 11.
Regulation III	Order of Business 13.

PAGE

Regulation IV	Contracts with The Library Board	14.
	- Payment for Consultant Services Received Under Contract	16.
	- Professional Services	16.
	- Consulting Engineers and Architects	17.
Regulation V	Disposal of Unwanted Furnishings or Equipment	17.
Regulation VI	Purchase of Library Materials	19.
Regulation VII	Annual Budget	20.
Regulation VIII	Staff Complement, Wages and Benefits	20.
Regulation IX	Remuneration of Board Members for Litigation Expenses	21.
Regulation X	Payment of Accounts	21.

RULES OF THE HAMILTON PUBLIC LIBRARY BOARD

PREAMBLE

The Hamilton Public Library Board, duly constituted as a corporation under the Public Libraries Act of Ontario, with the responsibility for the management and control of The Hamilton Public Library System, hereby repeals all former By-Laws and enacts the following Rules regulating matters connected with the management of the Library and Library property.

PART I: BY-LAWS

BY-LAW I:

MEMBERSHIP, HEAD OFFICE, SEAL, QUORUM:

1. Pursuant to The Public Libraries Act and the motion of The Council of The Corporation of the City of Hamilton, dated October 29, 1985, the Board shall be composed of eleven members appointed by the said Council. Two of the members shall be persons recommended by the Board of Education for the City of Hamilton and one of the members shall be a person recommended by the Hamilton-Wentworth Roman Catholic Separate School Board. Two of the members shall be aldermen for the City of Hamilton.
2. The Head Office of the Board shall be located at 55 York Blvd. in the City of Hamilton.

3. The Board shall have a corporate seal, an impression of which is stamped on the margin hereof. This seal shall be affixed under the direction of the Board to all deeds, contracts, or documents requiring same, which seal always shall be attested to by the signatures of the Chairperson and the Secretary of the Board, or by such other member and/or other officer as the Board shall direct.
4. A quorum at any meeting of the Board shall consist of a majority of the members of the Board.

BY-LAW II:

REGULAR MEETINGS:

1. Except in July and August, the Regular Meeting of the Board shall be held on the third Monday of each month at 5:30 p.m., or at such other suitable time as may be determined by the Chairperson of the Board.
2. Written notice of a regular meeting, along with the proposed agenda, the minutes of the preceding regular meeting, the minutes of Standing Committee meetings where appropriate and the Chief Executive Officer's Report shall be sent by the Secretary to all members of the Board at least three days prior to the meeting.

BY-LAW III:

INAUGURAL MEETING:

1. The Board shall hold its annual inaugural meeting immediately following its regular January meeting.

BY-LAW III: In the event that the membership of the Board has not yet been determined by the appointing Council at the time for the inaugural meeting as provided in this article, the inaugural meeting shall then take place immediately after the next regular meeting of the Board following the appointment of the members of the Board.

2. At the inaugural meeting, the outgoing Chairperson shall conclude the business of the regular meeting and invite the Chairperson of the Nominating Committee to present the proposed slate of officers for the new year.
3. After other nominations have been invited from the floor and nominations have been closed, the officers of the Board shall be elected or acclaimed. Upon request of any member of the Board, the balloting for such elections shall be by secret ballot.
4. Upon completion of the said election, the newly elected Chairperson shall then assume the chair and proceed with the business of the inaugural meeting.

BY-LAW IV:

SPECIAL MEETINGS:

A Special Meeting of the Board may be called by the Chairperson or any two members provided that at least two days' written notice has been given to each member of the Board in which notice the purpose for such meeting is identified. No business other than the business so identified shall be transacted at such special meeting.

BY-LAW V:

STANDING COMMITTEES:

1. There shall be two (2) Standing Committees of the Board viz:
 - a) The Administration & Finance Committee and,
 - b) The Planning, Personnel & Public Relations Committee.
2. Each such Standing Committee shall consist of six members made up as follows:
 - a) The Chairperson of the Board;
 - b) The Chairperson of the Standing Committee;
 - c) Four other members of the Board.
3. Each member of the Board shall serve on at least one of the said two (2) Standing Committees.
4. A Quorum of each of the said Standing Committees shall consist of a majority of the members of such Committee.
5. The Standing Committees shall meet at the call of the Committee Chairperson. Each Standing Committee shall meet each month between September and June (inclusive) in each year at the call of the Chairperson of such Committee. The Chairperson of each such Committee shall have a discretion not to call such monthly meeting in the event that in his/her opinion such meeting is not necessary.

6. The Administration & Finance Committee, shall be appointed by the Board annually at its Inaugural Meeting and, subject to the approval by the Board, shall be responsible for the regular review of the financial position of the Library system, including the preparation, review and submission of the annual budget and all matters relating to the maintenance and administration of the Public Library system.
7. The Planning, Personnel & Public Relations Committee, shall be appointed by the Board annually at its Inaugural Meeting and, subject to the approval of the Board, shall be responsible for the planning of programming, services and physical requirements of the Library system as well as for all matters relating to personnel and public relations.

BY-LAW VI:

SPECIAL COMMITTEES:

1. A Nominating Committee composed of four members, one of whom shall be the Chairperson of the Board, shall be appointed by the Board annually at its October meeting to present the slate of officers for the ensuing year at the next Inaugural Meeting. In a municipal election year, the Chairperson of the Board shall appoint the Nominating Committee from among the members of the New Board immediately following the appointment of the New Board by the Municipal Council. In each year, the Nominating Committee shall meet before and report to the next Inaugural Meeting following its appointment.

2. An Executive Committee shall be appointed by the Board annually at its June meeting. This Committee shall consist of four (4) members, one of whom shall be the Chairperson of the Board. The Executive Committee shall exercise all of the powers of the Board during the months of July and August in the year in which such Committee is appointed, subject to any restrictions which may be imposed upon it from time to time by the Board. The Chairperson of the Board shall appoint alternate members as required in the event that any member(s) of the Executive Committee is unable to attend a meeting of the said Committee. The Committee shall meet at the call of the Chairperson of the Board and a quorum shall consist of four (4) members.
3. The Rules Committee shall be appointed by the Board annually at its Inaugural Meeting, and shall consist of four (4) members of the Board, one of whom shall be the Chairperson of the Board. This Committee shall meet at the call of the Committee Chairperson at least once in each year for the purpose of maintaining and updating the Rules of the Board and to consider matters referred to it by the Board. A quorum of this Committee shall consist of four (4) members.
4. The Donations Committee shall be appointed by the Board annually at its Inaugural Meeting, and shall consist of four (4) members one of whom shall be the Chairperson of the Board. This Committee shall meet at the call of the Committee Chairperson to consider the management and disposition of all funds donated to the Library. A quorum of this Committee shall consist of four (4) members.

BY-LAW VII:

THE CHAIRPERSON OF THE BOARD:

1. The Chairperson of the Hamilton Public Library Board shall be elected at the Inaugural Meeting in each year. The Chairperson shall preside, when present, at all meetings of the Board.
2. The Chairperson shall have the same right to vote as other Board members. Any motion upon which there is an equality of votes shall be deemed to be defeated.
3. All orders and proceedings or minutes, after confirmation by the Board, shall be duly recorded in books designated for that purpose, and shall be signed by the Chairperson, or such other person as the Board may direct.
4. The Chairperson of the Board shall be a member of all Committees of the Board ex-officio.
5. The Board at its Inaugural Meeting shall appoint a Vice-Chairperson who shall serve as Chairperson of the Board in his/her absence.

BY-LAW VIII:

CHIEF EXECUTIVE OFFICER/SECRETARY:

1. The Board shall appoint a Chief Executive Officer who shall be its Chief

Librarian and who shall be responsible, under the supervision of the Board, for the general conduct and management of the Hamilton Public Library System.

2. The Chief Executive Officer shall also act as Secretary of the Board and shall be bonded by City contract.
3. The Chief Executive Officer shall prepare and submit to the Board at each regular meeting a report for the month and year to the date of such report.
4. The Chief Executive Officer shall submit to the Board an annual report summarizing the progress and accomplishments of the year and outlining objectives which remain to be met.
5. The Chief Executive Officer shall transmit to the Board copies of the annual report of the City Auditor immediately upon receipt of same.
6. In the absence of the Chief Executive Officer his/her duties shall be assumed by the Head of Public Service. In the absence of the Head of Public Service such duties shall be assumed by the Head of Technical Support Services.
In the absence of the Head of Public Service and the Head of Technical Support Services, such duties shall be assumed by the Administrator of Finance and Properties.

BY-LAW IX:

TREASURER:

The Board shall appoint a Treasurer who shall be bonded by City contract.

BY-LAW X:

INTERPRETATION & AMENDMENT

1. These Rules are to be read, construed and interpreted in accordance with the Law of Ontario, and specifically where applicable, with the Public Libraries Act of Ontario.
2. These Rules may be amended at any Regular Meeting of the Board by a majority vote. No amendment shall be entertained unless written notice thereof has been given at the previous Regular Meeting and referred to in the notice of such meeting.

PART II: REGULATIONS:

REGULATION I:

ACCESS TO MEETINGS:

1. All Regular Meetings of the Board and all regular meetings of its Standing Committees shall be open to the public, unless otherwise directed by the Board. The presiding chairman at any such meeting shall be responsible for orderly conduct and shall be empowered to require that any person who interferes with the order of the meeting be removed.
2. The Board or any of its Committees may determine, by a majority vote of members present at a meeting of the Board or of such Committee, that all or any part of such meeting shall be held in camera.

In making such determination, reference may be made to the considerations relating to confidentiality set forth in Regulation II hereof.

3. All decisions of the Board and all recommendations of its Committees shall be made known to any member of the public upon request except those matters discussed in camera which shall not be disclosed unless otherwise directed by the Board or the Committee which discussed the matter.
4. Any person or group of persons (other than an employee or group of employees of the Library Board), who wishes to make representations to the Board or one of its Committees shall be permitted to do so provided that a request in writing to that effect has been submitted to the Chairperson of the Board or the appropriate Committee no later than four (4) full days prior to the meeting at which it is proposed such representations be made. The Chairperson of such meeting shall determine the time to be permitted for such representations and the terms upon which such representations shall be heard.
5. Any member of the collective bargaining unit for library employees (or group of members of the said bargaining unit), who wishes to make representations to the Board or to one of its Committees shall be permitted to do so provided that the issues in question have been discussed at a meeting(s) of the Labour Management Committee and have not been resolved and provided that a request in writing to that effect and a full written brief has been submitted to the Chairperson of the Board or of the appropriate Committee no later than seven (7) full days prior to the meeting at which it is proposed such representations be made.

The Chairperson of such meeting shall determine the time to be permitted for such representations and the terms upon which such representations shall be heard.

6. Any non-union employee of the Library Board (or group of non-union employees of the Library Board), who wishes to make representations to the Board or to one of its Committees, shall be permitted to do so provided that:

- a) the issues in question have first been discussed with the Chief Executive Officer, b) the issues have not been resolved satisfactorily and,
- c) a request in writing to that effect, and a full written brief have been submitted to the Chairperson of the Board or of the appropriate Committee no later than seven (7) full days prior to the meeting at which it is proposed such representations be made.

The Chairperson of such meeting shall determine the time to be permitted for such representations and the terms upon which such representations shall be heard.

REGULATION II:

ACCESS TO INFORMATION:

- I. Members of the Board shall have complete access to all information and documentation relating to the Library system; all documentation prepared by the staff or its consultants for submission to the Board or its Committees shall forthwith be made available to all members of the Board.

2. a) All documentation prepared in relation to confidential matters shall be marked "confidential" and shall forthwith be made available to all members of the Board but such documentation shall not be made available to members of the Library staff or to the public except as the Board shall specifically direct.
- b) The following matters shall be confidential:
 - i) matters relating to litigation;
 - ii) matters relating to personnel;
 - iii) matters relating to collective bargaining;
 - iv) matters relating to grievance proceedings;
 - v) matters relating to security;
 - vi) matters prohibited from being made public by legislation;
 - vii) matters related to negotiations; (specifically, for example, without limitation of generality, negotiations related to the leasing or purchasing of property);
 - viii) any other matter which the Board determines warrants confidentiality.
3. a) All documentation that is not confidential and that is prepared by staff members or their consultants for submission to the Board or its Committees, as soon as it has been distributed to members of the Board, shall be made available for inspection to any member of the public upon request unless otherwise directed by the Board.

- b) Following consideration by the Board, such documentation shall be made available for inspection by the public at "Prime Resort" at the Central Library; certified copies thereof shall be provided to any member of the public upon request and upon payment of the costs of reproducing same.

REGULATION III:

ORDER OF BUSINESS

1. The Order of Business at all Regular Meetings of the Board shall be as follows:
 - a) Minutes of the previous meeting;
 - b) Business arising from the minutes;
 - c) Correspondence;
 - d)
 - i) Reports of Standing Committees;
 - ii) Report of the Chief Executive Officer;
 - iii) Other Reports;
 - e) New Business;
 - f) Adjournment.
2. Bourinot's Rules of Order shall govern the conduct of the business of all Regular and Special meetings of the Board when not inconsistent with or in contravention of these Rules or the Public Libraries Act.

REGULATION IV:

CONTRACTS WITH THE LIBRARY BOARD

All contracts with the Library Board shall be signed by the Chief Executive Officer and shall be awarded in accordance with the following requirements:

1. Contracts having a cost of \$1.00 to \$1,000.00 shall be awarded in the discretion of the business office.
2. Contracts having a cost of \$1,000.00 to \$10,000.00 shall be awarded in the discretion of the Administrator of Finance and Properties after three (3) quotations (where possible) have been obtained and considered.
3. Contracts having a cost of \$10,000.00 to \$50,000.00 shall be awarded by the Board after sealed tenders or quotations have been invited and opened at a designated time and place in the presence of the Administrator of Finance and Properties and the Chief Executive Officer (and in his/her absence, one of the Chairperson of the Board or the Chairperson of the Administration and Finance Committee).
4. Contracts having a cost of over \$50,000.00 shall be awarded by the Board after being advertised in the local press and after sealed tenders or quotations have been invited and opened at a designated time and place in the presence of the Administrator of Finance and Properties, the Chief Executive Officer and the Chairperson of the Board or his/her nominee.

5. All orders for library materials shall be placed by the Acquisitions Department under the authority of the Head of Technical Support Services.
6. In emergency situations as determined by the Administrator of Finance and Properties and approved by the Chief Executive Officer, contracts may be awarded by the Administrator of Finance and Properties without regard to the requirements of this regulation. In such event, such contracts shall be approved at the next meeting of the Board.
7. Written contracts shall be required in the case of all contracts having a cost in excess of \$50,000.00. Written contracts also shall be required in other cases as the Administrator of Finance and Properties and the Chief Executive Officer may deem appropriate.
8. The purchase of any equipment or furnishings not originally listed in the budget submission must be specifically approved by the Chief Executive Officer.
9. Contracts shall be awarded having regard to the following factors: (not necessarily in the following order).
 - a) Price.
 - b) Ability to service equipment.
 - c) Financial stability of the proposed contract, or
 - d) Recommendation of the Better Business Bureau.
 - e) The extent to which specifications have been met.

- f) Any other pertinent factor which in the view of the Administrator of Finance and Properties and the Chief Executive Officer is significant for the determination of the awarding of the contract.

Where all of the above factors are essentially equally met by one or more bidders, local businesses shall be awarded the contract where possible.

10. Payment for Consultant Services Received Under Contract:

When consultant services are required for the purpose of carrying out a defined study or programme, the Library shall require that a contract for service be signed with the consultant. Such contract shall include:

- a) a brief description of the services to be received by the Library,-
- b) an outline of the consultant's plan of work, expenses and fees,
- c) a schedule of payments and
- d) a copy of the original request for proposal issued by the Library and the consultant's response.

11. Professional Services:

When professional services are required for either a specified period of time, or on an ongoing basis, either a fixed cost for services and a schedule of payment shall be established or a monthly time and expenses account shall be arranged. In either event such terms shall be reduced to writing prior to the rendering of such services and a letter of agreement may serve as a written contract.

12. Consulting Engineers & Architects

All consulting engineers and/or architects retained by the Hamilton Public Library shall be required to disclose to the Library, prior to accepting an assignment, any potential conflict of interest. If such a conflict of interest does exist, the Hamilton Public Library may, at its discretion, withhold the assignment from the consulting engineer and/or architect until the matter is suitably resolved, and further, if during the conduct of a Library assignment, a consulting engineer and/or architect is retained by another client giving rise to a potential conflict of interest, then the consulting engineer and/or architect shall be required to so inform the Library. If a significant conflict of interest is deemed to exist, then the consulting engineer and/or architect shall be required to refuse the new assignment or take such steps as are necessary to remove the conflict of interest.

REGULATION V:

DISPOSAL OF UNWANTED FURNISHINGS OR EQUIPMENT

- I. The Library Board shall be empowered to avoid unnecessary accumulation of unwanted furnishings and operating equipment and to dispose of same to generate reasonable revenues for such items where possible. This regulation covers all Library furnishings and equipment but does not include any Library materials. The Library's senior administrative staff shall determine when an item is ready for disposal and the method of disposal if such item has a value of under \$1,000.00. Such determination shall be made by the Administration & Finance Committee if such item has a value in excess of \$1,000.00.

In either case, if it is determined that such item is more appropriately sold by use of the City auction, the Business Office shall arrange for the delivery of such item to the auction site and shall establish an appropriate reserve bid. If such item is unsold in the said auction, it shall be disposed of as otherwise provided in this regulation.

2. Where appropriate, items shall be traded in or disposed of by such method as yields the most favourable price. The best price and method for disposal shall be determined having regard to the cost of purchasing replacement items which purchase shall be governed by the Library contracting policy. As required by the said contracting policy set forth in Regulation IV, three (3) estimates shall be obtained on any items having an estimated value in excess of \$1,000.00 and, if deemed appropriate by the Business Office, such items shall be advertised for sale in the local press.
3. In the case of specialized Library equipment, each Library in the regional library system shall be given an opportunity to purchase such equipment at the highest of the three estimates in priority to any other purchaser.
4. If the required estimates cannot be obtained, the Business Office shall either:
 - a) fix what it considers to be an appropriate price and advertise the item in question for sale at such price,
 - b) store the item in question until the next City auction and offer it for sale at such auction, or,
 - c) discard the item.

5. If, after the requirements of this regulation have been met, it is determined by the Business Office that the item in question cannot be sold at a reasonable price, the Business Office may discard the item in question. In such event, reasonable efforts shall be made to recover the salvage value of such item.

REGULATION VI:

PURCHASE OF LIBRARY MATERIALS

1. The final dollar allocation to the library materials accounts shall be reallocated by the Head of Public Service and Head of Technical Support Services to the appropriate branch and subject area. Such reallocation shall be presented to the Chief Executive Officer for his/her approval.
2. All invoices for Library materials purchased through Technical Services shall be signed by the Head of Technical Support Services.
3. All invoices for all other library material purchased through the Business Office shall be signed by the Administrator of Finance & Properties.
4. Library materials may be purchased at a vendor's location when appropriate, (e.g. paperbacks, antiquarian items, additional hardcover copies of reserved titles, etc.). The Head of Technical Support Services shall determine the circumstances under which such purchases shall be appropriate. The Head of Public Service shall determine which staff members shall be authorized to make such purchases.

REGULATION VII:

ANNUAL BUDGET

1. The final budget as approved by the Library Board in each year shall determine the expenditures to be made in such year. Such expenditures shall be monitored quarterly by the Board.
2. The approval by the Board of the budget in its draft form or in its final form in itself does not constitute approval or authorization of all of the expenditures referred to therein. All unusual expenditures and all new programs or policies shall be approved by the Board by specific reference to such items apart from the budget process.
3. Any proposed deficit spending within the general accounts' divisions shall be approved by the Chief Executive Officer.
4. Any proposed deficit spending of the total general account shall be approved by the Board.

REGULATION VIII:

STAFF COMPLEMENT, WAGES & BENEFITS:

1. A report as to the number of staff employed by the Board and the location and status of such staff shall be approved by the Board in each year. Such report, the rates of pay and benefits as set out in the collective agreement and all wage and benefit terms as determined by the Board with respect to the non-union staff shall constitute the necessary authority for the payment of wages and providing of benefits.

2. Any changes made to the staff complement shall be made by specific resolution of the Board following consideration by the Planning, Personnel & Public Relations Committee.
3. All journal and payroll transactions shall be signed by the Personnel Officer.

REGULATION IX:

REMUNERATION OF BOARD MEMBERS FOR LITIGATION EXPENSES:

The Board shall be authorized to consider any reasonable request from present or past Board members for remuneration of expenses (loss of income or other out-of-pocket expenses) incurred as a result of involvement in litigation connected with Board matters. Loss of income shall be calculated at no more than the maximum hourly rate currently paid at the time of such request to the Chief Executive Officer.

REGULATION X:

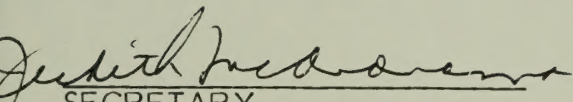
PAYMENT OF ACCOUNTS:

1. All cheques issued on behalf of the Hamilton Public Library Board shall be signed by the Mayor and the City Treasurer of the City of Hamilton by the use of a mechanical cheque-signing machine as outlined in By-Law No. 7317 of the Corporation of the City of Hamilton dated June 29th, 1954.
2. The Treasurer of the City of Hamilton shall be responsible for the supervision and control of the cheque-signing machine.

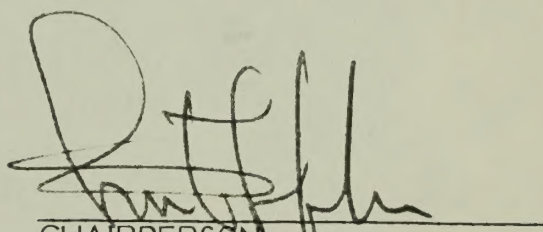
3. In the event that cheques need to be signed by hand, any two of the following shall be authorized to sign:
 - a) The Mayor (or in his/her absence, the Acting Mayor), and
 - b) The Treasurer of the City of Hamilton.
4. The numbers of all cheques which are signed by hand shall be reported immediately to the Board's bankers.
5. It shall be the responsibility of the Treasurer of the City of Hamilton, to receive all paid cheques or debit vouchers charged to any account of the Board and to execute from time to time, the bank's form of receipt therefor and agreement as to the settlement, balance and verification of all books and accounts between the Board and the bank.
6. All payroll and journal transactions shall be signed by the Personnel Officer.
7. All purchase orders and invoices for items requisitioned through the Business Office shall be signed by the Administrator of Finance and Properties. All purchases of equipment and furnishings shall be authorized first by the appropriate division head.
8. The authorization of payment of all invoices, accounts, advances and petty cash vouchers and of journal entries shall be signed prior to submission to the Treasury Department of the City of Hamilton.

Enacted by the Hamilton Public Library Board on the

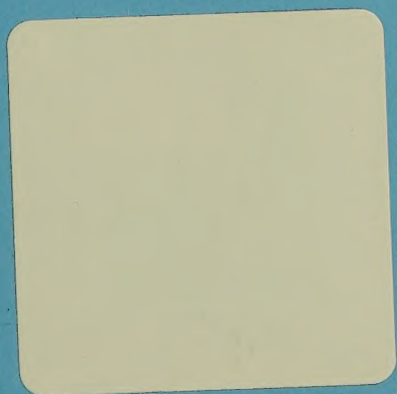
12th day of June 1986



SECRETARY



CHAIRPERSON





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